# REPORT - PLANNING COMMISSION MEETING September 11, 2003

Project Name and Number: Mount Vernon Office Center (PLN2003-00157)

Applicant: Henry Wu, DDS

**Proposal:** To consider a Planned District Minor Amendment to allow the construction of a new

5,060 square foot building for medical and general office use and associated site,

parking, and landscaping improvements.

**Recommended Action:** Approve, based on findings and subject to conditions.

**Location:** 39030 & 39042 Mount Vernon Avenue, Central Business District

**Assessor Parcel Number(s):** 501-1162-011 and 501-1162-012

Area: Lot: 13,466 square feet gross, both lots (12,350 net after dedication of right-of-way)

Proposed building: 5,060 square feet

Owner: Henry Wu, DDS

Agent of Applicant: Sy-Cheng Tsai, Architect

**Consultant(s):** Sy-Cheng Tsai, Architect

Environmental Review: This project is categorically exempt from CEQA review per Section 15332, In-Fill

Development Projects.

**Existing General Plan:** Central Business District

**Existing Zoning:** P-2002-216, Mount Vernon Planned District

**Existing Land Use:** Vacant and existing single-family house

**Public Hearing Notice:** Public hearing notification is applicable. A total of 167 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on August 29, 2003. A Public Hearing Notice was delivered to The Argus on August 26, 2003 to be published by August 29, 2003.

Background and Previous Actions: In 2000, while the Central Business District Plan was underway, staff received applications for development of two small medical offices on Mount Vernon Avenue. In one instance, the proposal was to convert an existing older home by modifying the exterior of the home and paving most of the remainder of the site for driveways and parking. In the second instance (applicant's site), the proposal was to demolish an existing home, combine the site with an adjacent vacant site and construct a relatively small two-story office building with parking and driveways. In a January 9, 2001 memo to the Council, staff noted its concern with the proposed developments on Mount Vernon. Staff noted that these projects seemed inconsistent with the vision of a higher intensity, cohesive, pedestrian friendly Central Business District as called for in the draft Central Business District plan or in the General Plan. If the buildings were allowed to proceed, they would reinforce a development pattern with newer buildings and expanses of surface parking and buildings that did not reinforce pedestrian character, thereby making development consistent with the goals of the plan unlikely for many years.

On February 13, 2001, the City Council adopted an urgency ordinance establishing a moratorium in the Mount Vernon area of the Central Business District (CBD). The City Council directed staff to identify possible modifications to existing ordinances that would better guide development along Mount Vernon Avenue consistent

with the Central Business District Plan, which had been adopted on November 6, 2001. On December 11, 2001, the Council directed staff to prepare a City-initiated Planned District with appropriate standards to guide development along Mount Vernon consistent with the Central Business District Concept Plan. This Planned District (P-2002-216) was adopted by the City Council on April 23, 2002, and required that new developments be subject to Planned District Minor Amendments, reviewed by the Planning Commission.

The Mount Vernon Planned District provides for the incremental transformation from the existing primarily single-family home residential street to a pedestrian-oriented commercial street. It establishes appropriate standards to guide development along Mount Vernon consistent with the Central Business District Concept Plan. The Planned District adopts streetscape standards and design guidelines that are intended to guide the location and character of land uses, circulation, parking patterns, open space, and infrastructure improvements to achieve a pedestrian-oriented, commercial area that connects to the future Capitol "main street" environment.

**Project Description:** The applicant requests approval of a Planned District Minor Amendment (PD Minor) that would allow for the construction of a two-story, 5,060 square foot commercial building and associate site, parking, and landscape improvements in the Mount Vernon area of the Central Business District. The architecture and site plan have changed since its initial Preliminary Review Procedure submittal to staff prior to the moratorium and adoption of the Planned District. One parcel is currently vacant and is proposed for the building's site; the other parcel contains a circa-1948 single-family house, which will be demolished as part of the proposed project for the development of a parking lot.

Currently, proposed uses for the proposed building include a 1,180 square foot tenant space for the owner/applicant's dental office, and 3,880 square feet of remaining tenant space for general office/retail uses (tenants not identified).

## **Project Analysis:**

- General Plan Conformance: The existing General Plan land use designation for the project site is Central Business District. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:
  - Policy LU 2.7 Site design and building development in the Central Business District shall be oriented toward pedestrians and transit. To maintain an active pedestrian environment, buildings oriented towards streets, sidewalks or public plazas shall be strongly encouraged. Retail uses shall be encouraged at the ground level. Building orientation, setbacks, parking locations and building design shall be evaluated for how each element encourages continuity between developments.
  - Policy LU 2.8 CBD developments shall provide safe, convenient and continuous pedestrian walkways...

The applicant and architect have designed the project to meet this intent by orienting the storefronts to the public sidewalk, using minimal setbacks, incorporating a recessed, pedestrian-scale entry, and tying the pedestrian circulation system to the public sidewalk.

Policy LU 2.9 Public open spaces and plazas shall be strongly encouraged...

In accordance with the CBD Plan and the Mount Vernon Design Guidelines, the applicant has proposed wide sidewalks for public open space, and to which the recessed, primary entry to the building is oriented. As also mentioned above, the pedestrian circulation system is also tied to the public sidewalk.

Policy LU 2.10 Encourage publicly visible art works in new private developments and in public spaces.

Staff encouraged and the applicant is willing to provide public artwork in the area in front of the proposed office/retail building. The artwork should be valued at least one percent of the total valuation of the project, consistent with the policy the City has for public buildings (staff estimates the project is valued at \$650,000). The applicant, however,

requests additional time to select an appropriate contemporary piece of artwork and ask approval of the piece be delegated to staff during the Development Organization review process. Staff recommends that the Planning Commission support the request and delegate its approval to the Planning Director, as it would save the applicant time and staff fees (Condition 8).

Additionally, the proposed project is located in the "Focus Area" of the Central Business District Concept Plan (CBD Plan), and is subject to its provisions. The following provisions of the CBD Plan are applicable to this project:

Concept Plan Goal 3:	Improve streetscape design in the CBD.
Concept Plan Goal 4:	Improve amenities for pedestrians, particularly in the Downtown focus area. These goals were incorporated into the design guidelines for the Mount Vernon area, and the project reflects the direction provided by incorporating additional sidewalk width (and right-of-way dedication) along the project frontage.
Concept Plan Goal 7:	Support economic vitality, particularly for small business.  The proposed project is intended to meet the needs of the property owner, a local dentist who owns his own business. Additionally, the remaining smaller tenant space(s) will help provide space for future small businesses to locate.
Concept Plan Goal 9:	Encourage the use of energy efficiency and green construction methods in building technology in the CBD.  Energy efficient and green building construction techniques often only require minor modifications to specific development proposals. To meet this goal, staff has included conditions of approval that debris from the removal of the existing structure and from the construction of the new building be recycled (to reduce construction waste) (Condition 30), and that windows in the new building be operable (to encourage less use of mechanical ventilation systems, which saves energy) (Condition 9).

- **Zoning Regulations:** The following conditions of P-2002-216 are applicable to this project:
  - 1. Floor Area Ratio: The minimum Floor Area Ratio for all new buildings is .8 and the maximum is 1.0. Floor area ratios above 1.0 may be permitted through an application for a major amendment to this Planned District.

The proposed FAR of the new building is 0.86. The project complies with this requirement.

- 2. Uses: any uses permitted in the Central Business District are permitted along Mount Vernon, with the following modifications and additions:
  - new buildings fronting on Mount Vernon may have any use permitted in the Central Business district (section 821201), including on the ground floor;

The proposed uses, medical and general office, are permitted uses in the CBD. The project complies with this requirement.

4. Pedestrian-oriented retail design: The first floor of all new building shall have a "retail physical character" fronting on the street with minimum setbacks from the property line/sidewalk as shown in the Design Guidelines for Mount Vernon Avenue (Exhibit C). Parcels on Capitol shall front on Capitol with a secondary frontage extending down Mount Vernon. Parcels on Mowry Avenue shall be oriented to Mount Vernon with a secondary frontage on Mowry.

The architect is proposing a traditional storefront form of development, generally associated with retail uses. Street setbacks and improvements are also consistent with the above requirement. By continuing the storefront style to the front of the site, and by incorporating a pedestrian scale entry on the corner with the main doors facing the public right-of-way, the project is also oriented towards Mount Vernon to the maximum extent feasible. Conformance with the design guidelines is analyzed later in this report.

5. Sidewalk and streetscape: Street and sidewalk dedication and improvements as shown in Exhibit C shall be implemented with any proposed development which increases the floor area on a site by more than 50% or by 1000 s.f., whichever is less, or for a new building.

The applicant has complied with the above requirement.

6. Legal parcels of land vacant as of the date of adoption of this ordinance are not subject to the minimum Floor Area Ratio (FAR) requirements of this ordinance.

As indicated in the Central Business District Concept Plan, traditional downtowns with buildings of one to three stories tall typically have FARs of 1.0 to 2.0. Establishing a downtown for Fremont has been a longheld goal, and high minimum FARs would ensure that that goal is realized over time. Therefore, a minimum FAR of 0.8 was adopted for the Mount Vernon Planned District to encourage the achievement of the Plan. Vacant legal parcels of land as of the date of PD's adoption were exempt from the high minimum 0.8 FAR standard.

Development of the proposed project is on two legal, adjoining lots. As previously mentioned, the applicant proposes to develop the vacant lot for the structure and demolish the existing residence on the adjoining lot to develop it into a parking lot. As adopted by the PD, the vacant lot proposed for the development of the structure is not subject to the minimum FAR requirement; however, because the adjoining lot where the parking lot is proposed contains a legal non-conforming residence (and is not vacant), the development of that lot technically must comply with the minimum FAR requirement for development. In this case, the applicant requests a transfer of the minimum FAR requirement from the developed lot containing the legal non-conforming residence to the vacant lot where the new structure which satisfies the minimum FAR requirement is proposed. Thus, the minimum FAR requirement is essentially traded between the two parcel. Staff supports this request for the following reasons:

- The FAR on the vacant lot meets the standards not otherwise applicable to it;
- Locating the building on the vacant lot rather than the lot with the existing dwelling better responds to the intent of the design guidelines "to create a more intense "main street" development pattern" by locating the building closer to Mowry Avenue and by breaking up what would otherwise be two large parking lots adjacent to each other;
- The location of the parking lot as proposed will allow for potential shared access and use by the parcel in the rear; and
- The parking lot with fencing and landscaped planter adjacent to the remaining single-family use is more appropriate to and compatible with that use than locating the two-story building directly adjacent to the existing residence to the south.
- Parking: Required parking for medical office (including dental) uses is one space per two hundred square feet of floor area. Required parking for general office uses, as well as for retail stores, is one space per three hundred square feet of floor area. Therefore, required parking for this project is:

Medical Office: 1180 sq. ft. X 1/200 = 6 General Office/Retail: 3880 sq. ft. X 1/300 = 13

Total: 19 spaces

The applicant has proposed eighteen spaces total, plus no less than eight bicycle spaces (Condition 10), which, under Section 8-22010 of the FMC, allows for the reduction of the one required space. The applicant meets the City's parking requirements.

Open Space/Landscaping: As a result of the generally more urban, pedestrian oriented development style
encouraged by the CBD Plan and the Mount Vernon Design Guidelines, minimal landscaped area is
proposed for the project. Additionally, due to the minimal size of the site and the required FAR and parking
counts, the applicant is requesting modifications of certain typical City standards as part of the Planned
District Minor Amendment.

Specifically, the applicant is requesting a reduction in the typically required landscape setback between the parking and circulation areas and the adjacent properties. The applicant is proposing zero foot setbacks at the north property line (adjacent to the existing commercial parking lot) where six feet would typically be provided (Section 8-22009(e)(3)). As justification for this modification, staff has requested, and the applicant has agreed, to provide an irrevocable offer of access to the rear property owner (Condition 11) such that future redevelopment of the rear site will have the option of joint use of the driveway. This would minimize interruption of the street and the impact of parking, and would enhance pedestrian circulation patterns, which is identified as desirable by both the CBD Plan and the Mount Vernon Design Guidelines.

Additionally, the applicant is requesting modified standards between the parking and circulation areas and the adjacent residential use to the east. The applicant proposes reduced setbacks ranging from three feet to five and one-half feet where generally ten feet and a six foot masonry wall is required (Section 8-22009(a)(1) and (2)). Instead of a six-foot masonry wall, the applicant proposes a three-foot tall wrought iron fence. Staff believes that this is appropriate because the limited site area could otherwise preclude the development, and because the adjacent property is identified to convert to commercial use in the future by the CBD Plan and will likely face the same issues and require the same modifications.

Circulation/Access Analysis: The project site frontage is currently unimproved. Access is proposed via a new twenty-foot wide driveway and new sidewalk on Mount Vernon Avenue. The Mount Vernon Planned District Design Guidelines require 14-foot wide sidewalks to provide for pedestrian access and street amenities. The project shall dedicate right-of-way and install complete street improvements up to the centerline of Mount Vernon Avenue. Street improvements include, but are not limited to, installation of pavement, curb, gutter, sidewalk, driveway, landscaping, and utilities. All improvements within the street right-of-way shall be completed under an encroachment permit and shall conform to City standards

## **Design Analysis:**

Architecture: Based on the Mount Vernon Planned District Design Guidelines as well as the Central Business Concept Plan, staff suggested to the applicant that the proposed design should be reflective of a contemporary vernacular in that its building size and architectural articulation relates to the human scale. According to the applicant, the project is designed with a contemporary appearance with the use of elements such as metal awnings and railings, a flat roof and cornice, extensive window glazing, and a slate veneer. The proposed building has a rectilinear floor plan, which incorporates a recessed entrance that opens to Mount Vernon Avenue on the south and to the parking lot on the east side. The building incorporates smooth finish cement plaster and metal awnings above large window glazed areas. The applicant is proposing to use a light tan peachy color ("La Habra" X-28 Mirage) as the main building (cement plaster) color, with awnings, railings and trellises in a "Red Bluff", dark reddish color. The storefront windows and clerestory windows are in an anodized dark bronze color. The applicant is proposing to use clear glass for storefront windows, which is appropriate in providing for a visual connection between the inside and outside of the building. Staff will work with the applicant on the final choice of colors and materials during the Development Organization review process.

The architect worked with staff on the proposed contemporary style design following the initial design submittal in accordance with the design guidelines and standards approved under the Planned District, as listed below:

- Replaced canvas fabric awnings with metal awnings;
- Added larger awnings to be placed over storefront entries;

- Relieved long, blank west elevation with one-foot deep pockets (blind arcades) for metal trellises to be planted with evergreen vines;
- Added clerestory windows to provide larger glazed areas;
- Added two-story window elements on the south and east elevations;
- Redesigned entry tower to be more consistent with proposed building; and
- Relocated tower element to the southeast corner of the proposed building and recessed the entry to
  provide a more appropriate transition between the building and parking area.

Staff believes the applicant has produced a design that is consistent with the Planned District and Central Business District Concept Plan; however, staff also believes that some refinements to the proposed building architecture should be incorporated to further promote a pedestrian-oriented streetscape and architectural character for Mount Vernon Avenue. Staff provides the following recommendations:

- 1. The applicant proposes a coarse finish cement plaster treatment to building. Staff believes this finish is inconsistent with the contemporary vernacular of the proposed building. A fine cement plaster finish should be applied all exterior walls (Condition 13).
- 2. The foam-molded cornice at the top of the building (cement plaster treated) should be replaced with a galvanized metal cornice or eave, or other material (instead of foam stucco) to provide a stronger roof termination (Condition 14).
- 3. The proposed storefront window system framing (mullions) should be finished in a natural brushed metal finish instead of the dark bronze (Condition 15).
- 4. All goose-neck wall mounted lights and all light standards in the parking lot should be in a dark bronze color (Condition 16).
- 5. Staff suggests eliminating the light tan peachy color in favor of a medium grayish color (e.g., La Habra X-820 Silverado) to provide better contrast to the painted "Red Bluff" awnings (Condition 17).
- 6. The guardrail on the second level and trellises at the rear of the building for vines should be left a natural brushed metal finish and not painted the "Red Bluff" Color (Condition 18).

Staff will continue to work with the applicant on these refinements and any input received from the Planning Commission.

**Site Design/Landscaping:** The site plan has been substantially revised since its initial submittal to staff. The parking lot and associated improvements are designed to enhance pedestrian activities. As previously mentioned, the applicant has agreed to provide an irrevocable offer of access to the rear property owner so that future redevelopment of the rear site will have the option of joint use of the driveway. This would minimize interruption of the street and the impact of parking, and would enhance pedestrian circulation patterns, which are identified as desirable by both the CBD Plan and the Mount Vernon Design Guidelines.

The landscaping and associated amenities proposed are acceptable. The applicant proposes to install four London Plane Trees with radial grates within the public right-of-way; relocate and preserve an existing Oak tree to the east corner of the site; preserve an existing Sycamore flanking the right side of the driveway; and, install Chinese Pistache trees, dispersed throughout the parking lot. A variety of shrubs and groundcover are proposed, which include: Fortnight Lily, Creeping Fig, New Zealand Flax, Variegated Tobira, Dwarf Yeddo Hawthorn, Cecile Brunner Climbing Rose, Coast Rosemary, and Sea Lavender.

The applicant proposes a stamped, color treated driveway into the parking lot in a "Red Brick" reddish color. Staff believes this color is inappropriate for the driveway and that a grayish color should be used instead (Condition

19). The pedestrian pathway leading into the tenant spaces will be scored concrete treated with a light brown color. An ornamental "true" wrought iron fence is proposed along the south property line adjacent to the existing residence. A bench is also proposed adjacent to the public sidewalk on the south side of the site to provide for an additional public amenity (along with the public artwork previously mentioned on the north side). In addition, a bicycle rack is provided at the rear, left side of the parking lot.

As previously mentioned, staff recommends that the approval of the public artwork be delegated to the Planning Director. A condition is included to ensure that all exterior amenities are of high quality (Condition 20). For example, the bench should consist of cast aluminum with rugged steel frames to provide exceptional durability and a highly, contemporary refined look. All exterior amenities shall be designed and built to meet the rigors of an urban environment.

**Urban Runoff Clean Water Program:** The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

#### **Applicable Fees:**

Development Impact Fees: This project will be subject to Citywide Development Impact Fees. These fees
may include fees for fire protection, capital facilities, and traffic impact. These fees shall be calculated at the
fee rates in effect at the time of building permit issuance.

**Waste Management:** This project involves commercial construction, and it shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. Details and appearance of the trash enclosure shall be subject to the review and approval of Development Organization staff.

**Environmental Analysis:** This project is categorically exempt from CEQA review per Section 15332, In-Fill Development Projects.

**Response from Agencies and Organizations:** No response from outside parties had been received at the time of publication of this report.

**Enclosures:** Exhibit "A" Architecture, Site, and Landscape Plans

Exhibit "B" Conditions of Approval

**Exhibits:** Exhibit "A" Architecture, Site, and Landscape Plans

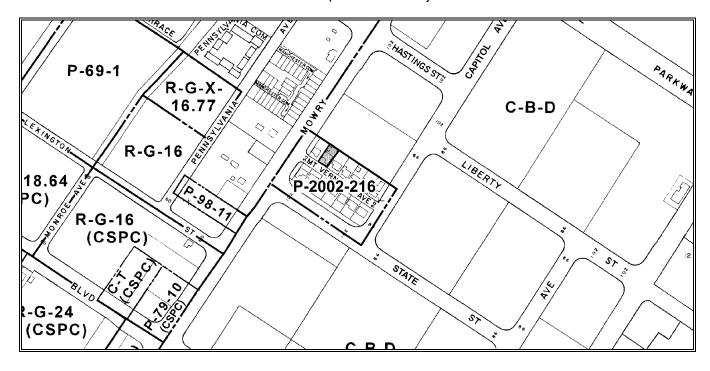
Exhibit "B" Conditions of Approval

## **Recommended Actions:**

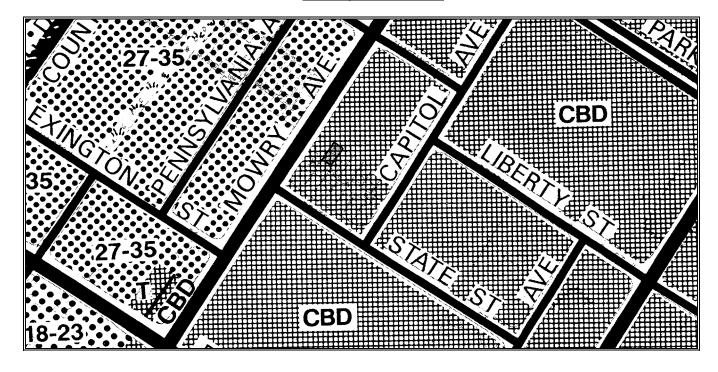
- 1. Hold public hearing.
- 2. Find PLN2003-00157 categorically exempt from CEQA review per Section 15332, In-Fill Development Projects.
- 3. Find PLN2003-00157 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General

Plan's Land Use Chapter as enumerated within the staff report. The project is in conformance with the Central Business District Concept Plan. 4. Approve PLN2003-00157, as shown on Exhibit "A", subject to conditions on Exhibit "B".

<u>Existing Zoning</u> Shaded Area represents the Project Site



**Existing General Plan** 



# EXHIBIT "B" PLN2003-00157

(Planned District Minor Amendment for Site Plan and Architectural Approval and Use)
Mount Vernon Office Center (APN# 501-1162-011 and 501-1162-012)
Planning Commission Hearing on September 11, 2003

# General Conditions:

# General Conditions (Must be satisfied on ongoing basis)

- Approval of PLN 2003-00157 for an 5,060 square foot medical/general office/retail building shall conform to Exhibit "A" (Architecture, Site, and Landscape Plans). The proposed plans submitted to the City's Development Organization shall substantially conform to the plans submitted for this application, except as modified herein.
- 2. Any minor modification to the planned district minor amendment shall be subject to review and approval of the Planning Director if such modifications are in keeping with the intent of the original approval, unless the Director finds that such modification warrants review and approval by the Planning Commission.
- 3. The structure shall have an automatic fire extinguishing system subject to the review and approval of the Fremont Fire Marshall through the Development Organization review process.
- 4. The applicant shall be required to recycle all glass and plastic containers generated by the uses located within the building.
- 5. The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
- 6. The applicant or successor in interest shall conform to the conditions of approval herein and all other applicable ordinances of the Fremont Municipal Code.

# Prior to Issuance of Building Permits, the following conditions must be satisfied:

#### Planning Division Requirements:

- 7. Applicant shall submit appropriate plans and documents to City's Development Organization for review to insure conformance with conditions approved under this Minor Amendment, Planned District conditions, and other relevant codes, policies and requirements of the Fremont Municipal Code. Prior to issuance of a building permit, all Development Impact Fees assessed shall be paid in full.
- 8. A contemporary piece of artwork shall be installed in the area as indicated in the Landscape Plan. Such artwork shall be subject to the review and approval of the Planning Director during the Development Organization review process of the project.
- 9. To minimize the use of mechanical ventilation systems (which saves energy), windows in the new building shall be operable, to the extent feasible.
- 10. Eighteen parking spaces shall be provided on site, plus no less than eight bicycle spaces.
- 11. The applicant shall execute and record an irrevocable offer of access to the rear property owner so that future redevelopment of the rear site will have the option of joint use of the driveway. This would minimize interruption of the street and the impact of parking, and would enhance pedestrian circulation patterns, which is identified as desirable by both the CBD Plan and the Mount Vernon Design Guidelines.

- 12. The applicant shall execute and record a Land Use Declaration on the lot proposed for the development of a parking lot to restrict its development, thereby ensuring the maintenance of parking provided for the proposed office/medical building.
- 13. A fine cement plaster finish should be applied to all exterior walls instead of the proposed coarse finish proposed by the applicant.
- 14. The foam-molded cornice at the top of the building (cement plaster treated) shall be replaced with galvanized metal cornice or eave, or other material (instead of stucco), for stronger roof termination.
- 15. The proposed storefront window system framing (mullions) shall be finished in a natural brushed metal finish instead of the dark bronze.
- 16. All goose-neck wall mounted lights and all light standards in the parking lot shall be in a dark bronze color.
- 17. The light tan peachy color shall be eliminated in favor of a medium grayish color (e.g., La Habra X-820 Silverado) to provide better contrast to the painted "Red Bluff" awnings.
- 18. The guardrail on the second level and trellises at the rear of the building for vines shall be left a natural brushed metal finish and not painted the "Red Bluff" Color.
- 19. The stamped color treated driveway into the parking lot proposed in a "Red Brick" reddish color shall be changed to a grayish color.
- 20. All exterior amenities shall consist of high quality materials. The bench shall consist of cast aluminum with rugged steel frames to provide exceptional durability and a highly contemporary refined look. All exterior amenities shall be designed and built to meet the rigors of an urban environment.

# **Building Department Requirements:**

21. All improvements to the project structure and site necessary for compliance with local, state and federal building and fire code requirements.

## Fire Department Requirements:

- 22. The applicant shall meet all requirements in the 2001 California Fire Code and all local mandated fire code requirements adopted by City Council under Ordinance 2485.
- 23. The applicant shall install an automatic fire sprinkler system in the building for fire protection purposes. Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13.
- 24. All Automatic Fire Suppression Systems Fire Department Connections shall have the following installed/provided:
  - a. Address placard installed at the connection.
  - b. Knox Cap installed on every inlet.

## Engineering Requirements:

25. Applicant shall provide for a functional drainage system subject to approval of the City during Development Organization review.

- 26. The applicant shall submit a detailed soils report including recommendations regarding structural sections, prepared by a qualified soils engineer registered by the State of California.
- 27. The developer shall dedicate right-of-way and install complete street improvements to the centerline of Mount Vernon Avenue. Mount Vernon Avenue is a minor commercial street with total right-of-way width of sixty-eight feet and a pavement width of forty feet. The required improvements include, but are not limited to, installation of pavement, curb, gutter, sidewalk, driveway, landscaping, and utilities.
- 28. The developer shall apply for and obtain an encroachment permit for all improvements within the public right-of-way. The encroachment permit shall be obtained concurrently with or prior to issuance of the building permit.
- 29. Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.
- 30. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on site that effectively prohibit the entry of pollutants into storm water runoff.

## **During Construction:**

## Planning Requirements:

31. Construction activities shall be limited to the following hours of operation:

7 a.m. to 7 p.m. Monday through Friday 9 a.m. to 6 p.m. Saturday No construction activities allowed on Sunday

Failure to comply with the above mentioned hours of operation will result in the withholding of inspections.

# Landscaping Department Requirements:

- 32. Existing trees to remain shall not be impacted by any grading operations. Appropriate tree protection measures shall be in place in accordance with City's Landscaping Development & Policies prior to commencing any grading or construction work.
- 33. The applicant shall relocate the Quercus agrifolia (Oak) tree to the northeast corner of the site, adjacent to the trash enclosure. Should the applicant follow an approved tree relocation plan and it is determined that the tree fails at no fault of the applicant, as determined by an arborist selected by the City and paid for by the applicant, then the applicant will not be held accountable for the appraised value of the tree. In that case, the applicant only shall be required to replace the tree with a 36-inch box tree.

# Environmental Services Department Requirements:

- 34. All public and private storm drain inlets are to be stenciled "No Dumping Drains to Bay" using stencils purchased from the Alameda County Urban Runoff Clean Water Program at 951 Turner Court, Hayward, California. Color and type of paint to be as approved by the City Engineer.
- 35. All recycling and waste collection areas are required to be screened from adjacent properties and public rights of way (FMC Section 8-22155). The trash enclosure must be built to screen the containers from public view and to insure the containers are on a concrete pad. Refer to the Waste Handling Requirements for enclosure construction guidelines.

36. Construction and demolition debris management: Recycling of construction and demolition debris is an important environmental concern to the City of Fremont in meeting the City's goal of 75% waste diversion by 2010 (Fremont Commercial/ Industrial Recycling Plan, adopted April 1999). This development will require the applicant to file a Project Waste Handling Plan and follow-up documentation, since it will generate debris from the removal of the existing structure and from the construction of a new building, where some demolition and construction debris can be recycled. This material may be recycled through any recycling company licensed to do business in Fremont, and recycling may cost less than disposing of the material as municipal solid waste. (See City forms included with the Fremont Waste Handling Requirements.)

## Engineering Department Requirements:

- 37. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
- 38. Grading operations shall be in accordance with recommendations contained in the required soils report and be supervised by an engineer registered in the State of California to do such work.
- 39. The applicant shall provide for a functional system to control erosion and siltation during and after construction subject to review and approval by the City Engineer. A separate plan shall be submitted for this purpose during Development Organization.
- 40. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
- 41. All paved outdoor storage areas must be designed to reduce and limit the potential for runoff of contact pollutants. Bulk materials stored outdoors may need to be covered as determined by the City Engineer.
- 42. The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- 43. All on-site storm drains are to be cleaned prior to building occupancy and also be cleaned each year immediately before the beginning of the rainy season (October 15). The City Engineer may require additional cleaning.
- 44. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
- 45. To mitigate the identified air quality impacts of grading and construction, the following standard practices will be incorporated into the project at the time of development:
  - Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions;
  - Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage;
  - Paving shall be completed as soon as is practicable to reduce the time that bare surfaces and soils
    are exposed. In areas where construction is delayed for an extended period of time, the ground
    shall be revegetated to minimize the generation of dust;
  - Street sweeping shall be conducted to control dust and dirt tracked from the project site; and,

A person shall be designated to oversee the implementation of the dust control program.